



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 7, 2022

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Reginald Fowler*, S3 19 Cr. 254 (ALC)

Dear Judge Carter:

The Government respectfully submits this letter on behalf of the parties to inform the Court that the parties have jointly agreed to the following pretrial disclosure deadlines, which they request that the Court adopt:

April 11, 2022: The Government provides notice to the defense of evidence it may seek to offer pursuant to Federal Rules of Evidence 404(b).

The Government provides to the defense a list of witnesses whom the Government reasonably expects to call in its case-in-chief.

April 22, 2022: The parties provide notice to each other, consistent with the requirement Federal Rule of Criminal Procedure 16, of experts potentially to be called during the Government's case-in-chief and the defendants' cases, if any.

The Government provides to the defense material covered by 18 U.S.C. § 3500 and *Giglio v. United States*, 405 U.S. 150 (1972), to the extent it has not previously been produced to the defense.

The parties file their motions *in limine*.

April 29, 2022: The parties provide notice to each other, consistent with the requirements of Rule 16, of rebuttal experts, if any.

The Government provides the defense a list of exhibits the Government reasonably expects to seek to introduce during its case-in-chief. This exhibit list will be subject to good-faith revision as the Government continues to prepare its case for trial, including in

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response to the defense's lists of proposed exhibits that it anticipates seeking to introduce into evidence during the Government's case-in-chief.

The parties file their oppositions to motions *in limine*.,

The parties file proposed Requests to Charge and Voir Dire Questions.

After opening
statements:

The defense provides to the Government lists of exhibits that the defense reasonably expects to seek to introduce during the Government's case-in-chief. This exhibit list will be subject to good-faith revision as the defense continues to prepare its case.

At least three
days prior to the
anticipated start of
a defense case:

The defense provides to the Government lists of witnesses whom the defense reasonably expects to call in its case.

The defense also provides the Government lists of exhibits that it reasonably expects to seek to introduce during its case. These exhibit lists will be subject to good-faith revision as the defense continues to prepare for its case.

The defense provides to the Government material covered by Federal Rule of Criminal Procedure 26.2.

The parties recognize that 3500 and Rule 26.2 obligations are continuing, so when new material is generated after the pertinent deadline described above, such material will be timely provided, *i.e.*, generally the same day it is generated, and prior to the witness to whom it applies next taking the stand. The defense has also agreed that, consistent with Rule 26.2(c), if the defense intends to withhold any such material on the ground of privilege or work-product, it will provide that material to the Court for timely review.

In addition to the schedule above, the parties have also conferred and reached agreement regarding the following issues, which are designed to narrow or moot disputes:

The Government and defense anticipate alerting the opposing party to (a) the next day's witnesses, in anticipated order, and (b) the exhibits expected to be sought to be introduced through those witnesses, by at least 5:00 p.m. on the day before calling such witnesses, and the party to whom such disclosure is made will provide any objections to such exhibits as quickly as possible that evening, so that the parties may confer and then be prepared, if necessary, to raise any

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objections with the Court either in writing the night before, or in the morning, prior to the beginning of the trial day during which the exhibits are expected to be sought to be introduced.

Furthermore, both the Government and the defense anticipate timely agreeing to stipulations to avoid the need to call custodians of records or otherwise to authenticate evidence or the accuracy of transcripts, and the parties agree that the dates set forth herein do not alter the parties' reciprocal discovery obligations or the obligation to produce materials obtained pursuant to Federal Rule of Criminal Procedure 17(c), absent an order to the contrary.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:

Handwritten signatures of Samuel L. Raymond and Samuel P. Rothschild in blue ink, positioned above a horizontal line.

Samuel L. Raymond
Samuel P. Rothschild
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cc: Edward Sapone, Esq. (by ECF)